

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

BRENDA PALMER

Plaintiff,

v.

STEWARD SHARON REGIONAL
MEDICAL CENTER

Defendant

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) Case No. 2:22-cv-1756
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NOTICE OF REMOVAL

Steward Sharon Regional Medical Center, the defendant, pursuant to 28 U.S.C. §§ 1441 and 1446, files this Notice of Removal of the above-described action to the United States District Court for the Western District of Pennsylvania from the Court of Common Pleas of Mercer County, Pennsylvania, where the action is now pending, and states:

1. This case was commenced in the Court of Common Pleas of Mercer County on November 7, 2022, under docket no. 2022-2777, and the Complaint was received by Defendant and defense counsel on November 9, 2022.

2. A copy of the docket in the Mercer County matter, including the Complaint, and all related filings are attached as Exhibit 1, hereto.

3. This action includes a claim that arises under federal law in that Count III of the Complaint alleges retaliation for exercise of rights in violation of the Family Medical Leave Act (FMLA), 29 U.S.C. §2601 *et seq.*

4. Due to the federal question involved, this Court has jurisdiction pursuant to 28 U.S.C. §1331 and 1441(a).

5. Additionally, there is supplemental jurisdiction regarding Plaintiff's additional claims under the Pennsylvania Human Relations Act, pursuant to 28 U.S.C. §1367.

6. This Notice of Removal has been filed within 30 days of initial receipt of the Plaintiff's complaint by Defendant, and thus is timely pursuant to 28 U.S.C. §1446(b).

7. Venue properly rests in the District Court for the Western District of Pennsylvania, as this case is being removed from the Court of Common Pleas of Mercer County, PA.

8. Written notice will be given today to the plaintiff of the filing of this notice, as required by 28 U.S.C. § 1446(d).

9. A copy of this notice will be filed today with the clerk of the Court of Common Pleas of Mercer County, as required by 28 U.S.C. § 1446(d).

WHEREFORE, the defendant requests that this action proceed in this Court as an action properly removed to it, in accordance with 28 U.S.C. §§ 1441 and 1446.

Dated: December 8, 2022

Respectfully submitted,

By: s/ David J. Berardinelli
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